



Federal Communications Commission  
Washington, D.C. 20554

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**DA 07-501**

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F. William LeBeau, Esq.  
NBC Telemundo License Co.  
1299 Pennsylvania Ave, NW  
Washington, DC 20004

Rocky Mountain Public Broadcasting Network, Inc.  
c/o Margaret L. Miller, Esq.  
Dow Lohnes, PLLC  
1200 New Hampshire Ave, NW  
Washington, DC 20036

Re: KMAS-TV, Steamboat Springs, Colorado,  
ID No. 20373, Application for Assignment  
of License, File No. BALCT-20061121AIK

Dear Counsel:

This is in regard to the above referenced unopposed application for the assignment of the license of KMAS-TV, Steamboat Springs, Colorado from NBC Telemundo License Co. (Telemundo) to Rocky Mountain Public Broadcasting Network, Inc. (Rocky Mountain). In connection with the application, Rocky Mountain seeks a waiver of Section 73.1125 of the Commission's rules to permit it to operate KMAS-TV on a non-commercial basis without a main studio in its city of license. Rocky Mountain plans to operate KMAS-TV as a satellite/repeater station of non-commercial educational station KRMA-TV, Denver, Colorado. For the reasons stated below we grant the application and the requested waiver.

Rocky Mountain is a Colorado nonprofit corporation that has been providing public television programming since 1956. Rocky Mountain, which operates a state-wide network, is the only entity that provides over-the-air PBS programming service in Colorado. It operates four full-power stations: KRMA-TV, Denver; KRMJ(TV), Grand Junction; KTSC(TV), Pueblo, and KRMU(DT), Durango. KRMA-TV operates as the "lead" station and provides programming across Rocky Mountain's statewide network. In addition to the four full power stations that it currently operates, Rocky Mountain also maintains a network of translators throughout Colorado. Rocky Mountain argues that the joint operation of the stations avoids costly duplication of services and allows Rocky Mountain to better develop and provide public and educational programming for the entire state.

Rocky Mountain is an independent, non-profit entity that is not supported by Colorado taxpayers and is dependent on local viewer donations. It argues that operating the station without a separate main studio would be in the public interest because doing so would help it fulfill its mission to provide public service to all citizens in Colorado in a manner consistent with the realities of funding public broadcast stations. Rocky Mountain states that the transmitting facilities of many of its stations and translators are located in remote areas that are difficult to reach in good weather and impossible to reach during the winter. It contends that, as a result of these geographic issues, these facilities are very expensive to maintain.

KMAS-TV serves a sparsely populated, largely mountainous region of northwestern Colorado. According to the Census Bureau, the population of Steamboat Springs is 9,815 persons. Rocky Mountain contends that this small population necessarily limits the availability of funds to support noncommercial broadcast stations.

Even without a main studio in Steamboat Springs, Rocky Mountain argues that it will maintain the ability to ascertain the needs of the Steamboat Springs community and meet those needs through its programming. It states that it will maintain a toll-free telephone number to provide residents in Steamboat Springs easy access to the personnel at its Denver studios at no charge. Rocky Mountain already maintains a website where it invites viewers to register their comments through a Viewer Forum and where they may obtain information about its programming. Rocky Mountain states that it has historically partnered with community groups, schools, colleges and other organizations to determine the needs of its service area and to provide educational services to Coloradans. It further states that it plans to conduct outreach specifically in Steamboat Springs concerning the needs of the area so that it may ascertain how to best respond to those needs.

Rocky Mountain is governed by a Board of Directors whose members are drawn from all over Colorado and are broadly representative of the communities that it serves. The board meets monthly and the meetings are generally open to the public. Rocky Mountain also maintains a community advisory board which gives a voice to its viewers. Rocky Mountain states that it will add a member to its community advisory board specifically to represent Steamboat Springs.

*Discussion.* Section 73.1125 requires that each broadcast station operate a main studio either within the station's community of license, or at any location within the principal community contour of any station, whether AM, FM, or TV, licensed to that community, or within twenty-five miles from the reference coordinates of the center of the community of license.<sup>1</sup> Pursuant to Section 73.1125(c)(2), a licensee may request a ruling permitting it to locate its main studio outside of those locations. Although each such request by a noncommercial educational station is considered on a case-by-case basis, the Commission has recognized the benefits of centralized operation for noncommercial educational stations, given their limited funding, and has found that "good cause" exists to waive the main studio location requirement where satellite station

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<sup>1</sup> 47 C.F.R. § 73.1125.

operations are proposed.<sup>2</sup> In order to obtain the waiver, an applicant must demonstrate that it will meet its local service obligations to satisfy the Section 73.1125 “public interest” standard.<sup>3</sup>

We believe that Rocky Mountain has justified its request to operate KMAS-TV from the same main studio as KRMA-TV. In addition to the funding constraints faced by all noncommercial educational television operators, Rocky Mountain has additional challenges because it operates its network in widely scattered communities, often with small populations, where the cost of maintaining transmission facilities can be exceptionally expensive. Allowing Rocky Mountain to consolidate its studio operations at its Denver facility will allow it to dedicate more of its scarce financial resources to providing high quality educational programming that is reflective of the needs and interests of its local viewers. Furthermore, we find that the steps Rocky Mountain has pledged to undertake to be responsive to viewer concerns, including maintaining a toll-free number, appointing a Steamboat Springs representative to its community advisory board, and performing outreach to the local community, will ensure that the station responds to the needs of Steamboat Springs even without a local main studio. Therefore, we find that the grant of a waiver of the main studio rule will serve the public interest in that it will allow Rocky Mountain to use its resources to provide superior television programming to viewers while remaining responsive to the needs of Steamboat Springs.

ACCORDINGLY, IT IS ORDERED That the request for a waiver of 47 C.F.R. § 73.1125(a) filed by the Rocky Mountain Public Broadcasting Network, Inc. to permit it to maintain the main studio for station KMAS-TV, Steamboat Springs, Colorado at the facility of KRMA-TV, Denver, Colorado IS GRANTED. Furthermore, having found the applicants are qualified and that grant of the assignment application would serve the public interest, convenience and necessity, the application for assignment of KMAS-TV from Telemundo License Co. to Rocky Mountain Public Broadcasting Network, Inc., File No. BALCT-20061121AIK, IS GRANTED.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>2</sup> See *Amendments of Section 73.1125 and 73.1330*, 3 FCC Rcd 5024, 5027 (1998).

<sup>3</sup> *Id.*